United States District Court

for the

Southern District of New York

ED PENNING, individually and on behalf of all other persons similarly situated,)))
Plaintiff(s)	
v.) Civil Action No. 7:24-cv-8380
THE INTERNATIONAL BUSINESS MACHINES, INC.,))))
Defendant(s))

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) The International Business Machines, Inc. 1 New Orchard Road
Armonk, NY 10504

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,

whose name and address are: Josep

Joseph I. Marchese Bursor & Fisher, P.A.

1330 Avenue of the Americas, 32nd Floor

New York, NY 10019 (646) 837-7150

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: November 6, 2024

/S/ S. James

Signature of Clerk or Deputy Clerk

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Civil Action No. 7:24-cv-8380

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (1))

	This summons for (nan	ne of individual and title, if any)				
was re	eceived by me on (date)	·				
	☐ I personally served the summons on the individual at (place)					
		on (date)		; or		
	I left the summons at the individual's residence or usual place of abode with (name)					
		On (date) I returned the summons unexecuted because				
	☐ I returned the sumn					
	☐ Other (specify):					
	My fees are \$	for travel and \$	for services, for a total of \$	0.00		
	I declare under penalty	declare under penalty of perjury that this information is true.				
Date:						
Date.			Server's signature			
			Printed name and title			

Additional information regarding attempted service, etc: